

**FACSIMILE TRANSMISSION  
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**TO: EXAMINER Willie Wendell Berry, Jr.**  
**ART UNIT 3723**  
**EXAMINER'S FAX NUMBER (703) 872-9303**

**FROM: Peter S. Zawilski**

**FAX RECEIVED**

**REGISTRATION NUMBER: 43,305**  
**FAX NUMBER: (408) 617-4856**

**OCT 18 2002**

**GROUP 3700**

**RE: SERIAL NO. 09/871,507**  
**DOCKET NO. US 018074**

**4 Pages (including cover sheet)**


**This transmission includes:**

**Response to Final Office Action dated 11-SEP-2002**

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office

on October 18, 2002.

  
Peter Zawilski

**PHILIPS ELECTRONICS NORTH AMERICA CORPORATION**  
**1000 West Maude Avenue**  
**Sunnyvale, California 94085**  
**Telephone: (408) 617-7703**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Ed  
10-21-02  
#8  
Response

In re the Application of:  
Landon B. Vines *et al.*  
Serial No. 09/871,507  
Filed: 5/31/2001  
For: A CMP Polisher Substrate Removal Control  
Mechanism and Method

Group: 3723  
Examiner: Willie Berry, Jr.  
Docket No.: US 018074

**RESPONSE TO SEPTEMBER 11, 2002 OFFICE ACTION**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Office Action dated September 11, 2002, please consider the following amendments and remarks.

**Remarks**

Applicants appreciate Examiner's approval of drawing corrections filed on June 18, 2002.

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicants respectfully submit that the claimed invention is allowable over the cited reference.

Claims 1 – 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Osterheld et al* (U.S. Patent 6,319,098 hereinafter, *Osterheld*).

Applicants respectfully reiterate, with respect to the §103 rejection, the Office Action does not establish a *prima facie* case of obviousness. A *prima facie* case of obviousness requires both: a complete correspondence between the asserted prior art and the claimed invention, and evidence that a skilled artisan would be motivated to modify the *Osterheld* patent as asserted. In this instance, the Office Action has not satisfied either requirement.